

## CLAIMS

1-15. (canceled)

16. (previously pending) An automated method for communicating packets of data with predetermined packet sizes over a communication channel from a transmitter to a receiver, the automated method comprising:

- (a) characterizing initial interference in the communication channel;
  - (b) selecting a first maximum frame transmission time based on the characterized initial interference;
  - (c) selecting a first data rate and a first frame size for a first packet based on the first maximum frame transmission time;
  - (d) fragmenting the first packet into one or more frames based on the first frame size;
  - (e) transmitting the one or more frames of the first packet at the first data rate, such that transmission duration of each frame of the first packet is less than the first maximum frame transmission time;
  - (f) characterizing subsequent interference in the communication channel;
  - (g) selecting a second maximum frame transmission time based on the characterized subsequent interference, wherein the second maximum frame transmission time is different from the first maximum frame transmission time;
  - (h) selecting a second data rate and a second frame size for a second packet based on the second maximum frame transmission time;
  - (i) fragmenting the second packet into one or more frames based on the second frame size;
- and
- (j) transmitting the one or more frames of the second packet at the second data rate, such that transmission duration of each frame of the second packet is less than the second maximum frame transmission time.

17. (previously pending) The automated method of claim 16, wherein at least one of (i) the second data rate is different from the first data rate and (ii) the second frame size is different from the first frame size.

18. (previously pending) The automated method of claim 17, wherein the second data rate is the same as the first data rate.

19. (previously pending) The automated method of claim 17, wherein the second frame size is the same as the first frame size.

20. (previously pending) The automated method of claim 17, wherein (i) the second data rate is different from the first data rate and (ii) the second frame size is different from the first frame size.

21. (previously pending) The automated method of claim 16, wherein:

- step (c) comprises selecting the first data rate and the first frame size from a first table of two or more combinations of data rates and frame sizes corresponding to the first maximum frame transmission time; and
- step (h) comprises selecting the second data rate and the second frame size from a second table of two or more combinations of data rates and frame sizes corresponding to the second maximum frame transmission time, wherein the first table is different from the second table.

22. (previously pending) The automated method of claim 21, wherein:

the first table corresponds to the characterized initial interference; and  
the second table corresponds to the characterized subsequent interference.

23. (previously pending) The automated method of claim 21, wherein:  
the first table corresponds to an IEEE 802.11 communication system operating collocated with  
an operating Bluetooth system; and  
the second table corresponds to the IEEE 802.11 communication system operating near one or  
more operating microwave ovens.

24. (previously pending) The automated method of claim 16, further comprising the steps  
of:

(k) selecting a third data rate and a third frame size for a third packet based on the second  
maximum frame transmission time, wherein the third data rate is different from the second data rate;  
(l) fragmenting the third packet into one or more frames based on the third frame size; and  
(m) transmitting the one or more frames of the third packet at the third data rate, such that the  
transmission duration of each frame of the third packet is less than the second maximum frame  
transmission time.

25. (previously pending) The automated method of claim 24, wherein:  
steps (k)-(m) are implemented after determining that transmission of the one or more frames of  
the second packet at the second data rate was not successful; and  
the third data rate is lower than the second data rate.

26. (previously pending) The automated method of claim 25, wherein the third frame size is  
the same as the second frame size.

27. (previously pending) A transmitter for communicating packets of data with  
predetermined packet sizes over a communication channel to a receiver, the transmitter comprising a  
processor and a memory connected to the processor and adapted to store different combinations of data  
rates and frame sizes, the processor adapted to:

(a) characterize initial interference in the communication channel;  
(b) select a first maximum frame transmission time based on the characterized initial  
interference;  
(c) select a first data rate and a first frame size for a first packet based on the first maximum  
frame transmission time;  
(d) fragment the first packet into one or more frames based on the first frame size, wherein  
the transmitter is adapted to transmit the one or more frames of the first packet at the first data rate, such  
that transmission duration of each frame of the first packet is less than the first maximum frame  
transmission time;  
(e) characterize subsequent interference in the communication channel;  
(f) select a second maximum frame transmission time based on the characterized subsequent  
interference, wherein the second maximum frame transmission time is different from the first maximum  
frame transmission time;  
(g) select a second data rate and a second frame size for a second packet based on the second  
maximum frame transmission time;  
(h) fragment the second packet into one or more frames based on the second frame size,  
wherein the transmitter is adapted to transmit the one or more frames of the second packet at the second  
data rate, such that transmission duration of each frame of the second packet is less than the second  
maximum frame transmission time.

1 28. (previously pending) The transmitter of claim 27, wherein at least one of (i) the second  
2 data rate is different from the first data rate and (ii) the second frame size is different from the first frame  
3 size.

1 29. (previously pending) The transmitter of claim 28, wherein the second data rate is the  
2 same as the first data rate.

1 30. (previously pending) The transmitter of claim 28, wherein the second frame size is the  
2 same as the first frame size.

1 31. (previously pending) The transmitter of claim 28, wherein (i) the second data rate is  
2 different from the first data rate and (ii) the second frame size is different from the first frame size.

1 32. (previously pending) The transmitter of claim 27, wherein the processor is adapted to:  
2 select the first data rate and the first frame size from a first table of two or more combinations of  
3 data rates and frame sizes corresponding to the first maximum frame transmission time; and  
4 select the second data rate and the second frame size from a second table of two or more  
5 combinations of data rates and frame sizes corresponding to the second maximum frame transmission  
6 time, wherein:  
7 the first table is different from the second table; and  
8 the first and second tables are stored in the memory.

1 33. (previously pending) The transmitter of claim 32, wherein:  
2 the first table corresponds to the characterized initial interference; and  
3 the second table corresponds to the characterized subsequent interference.

1 34. (previously pending) The transmitter of claim 32, wherein:  
2 the first table corresponds to an IEEE 802.11 communication system operating collocated with  
3 an operating Bluetooth system; and  
4 the second table corresponds to the IEEE 802.11 communication system operating near one or  
5 more operating microwave ovens.

1 35. (previously pending) The transmitter of claim 27, wherein the processor is further  
2 adapted to:  
3 (i) select a third data rate and a third frame size for a third packet based on the second  
4 maximum frame transmission time, wherein the third data rate is different from the second data rate;  
5 (j) fragment the third packet into one or more frames based on the third frame size, wherein  
6 the transmitter is adapted to transmit the one or more frames of the third packet at the third data rate,  
7 such that the transmission duration of each frame of the third packet is less than the second maximum  
8 frame transmission time.

1 36. (previously pending) The transmitter of claim 35, wherein:  
2 the processor is adapted to implement the selection of (i) and the fragmentation of (j) after  
3 determining that transmission of the one or more frames of the second packet at the second data rate was  
4 not successful; and  
5 the third data rate is lower than the second data rate.

1 37. (previously pending) The transmitter of claim 36, wherein the third frame size is the  
2 same as the second frame size.

1           38.     (currently amended) A transmitter for communicating packets of data with  
2 predetermined packet sizes over a communication channel to a receiver, the transmitter comprising:  
3           a memory adapted to store a plurality of different tables, each table comprising two or more  
4 combinations of data rate rates and frame sizes and each table corresponding to a different maximum  
5 frame transmission time; and  
6           a processor adapted to:  
7           (a)     characterize interference in the communication channel;  
8           (b)     select a first table of the plurality of tables based on the characterized interference;  
9           (c)     select, from the first table, a first combination of a first data rate and a first frame size for  
10 a first packet; and  
11           (d)     fragment the first packet into one or more frames based on the first frame size, wherein  
12 the transmitter is adapted to transmit the one or more frames of the first packet at the first data rate, such  
13 that transmission duration of each frame of the first packet is less than the maximum frame transmission  
14 time corresponding to the first table.

1           39.     (previously pending) The transmitter of claim 38, wherein:  
2 the first table further comprises a second combination of a second data rate and a second frame  
3 size;  
4 the first data rate is different from the second data rate; and  
5 the first frame size is the same as the second frame size.

1           40.     (previously pending) The transmitter of claim 38, wherein the processor is further  
2 adapted to:  
3           (e)     select, from the first table, a second combination of a second data rate and a second  
4 frame size for a second packet; and  
5           (f)     fragment the second packet into one or more frames based on the second frame size,  
6 wherein the transmitter is adapted to transmit the one or more frames of the second packet at the second  
7 data rate, such that the transmission duration of each frame of the second packet is less than the  
8 maximum frame transmission time corresponding to the first table.

1           41.     (previously pending) The transmitter of claim 40, wherein:  
2 the processor is adapted to implement the selection of (e) and the fragmentation of (f) after  
3 determining that transmission of the one or more frames of the first packet at the first data rate was not  
4 successful; and  
5 the second data rate is lower than the first data rate.

1           42.     (previously pending) The transmitter of claim 41, wherein the second frame size is the  
2 same as the first frame size.

1           43.     (previously pending) The transmitter of claim 38, wherein the processor is further  
2 adapted to:  
3           (e)     re-characterize the interference in the communication channel;  
4           (f)     select a second table of the plurality of tables based on the re-characterized interference;  
5           (g)     select, from the second table, a second combination of a second data rate and a second  
6 frame size for a second packet; and  
7           (h)     fragment the second packet into one or more frames based on the second frame size,  
8 wherein:  
9           the transmitter is adapted to transmit the one or more frames of the second packet at the  
10 second data rate, such that the transmission duration of each frame of the second packet is less than the  
11 maximum frame transmission time corresponding to the second table; and

12                   the maximum transmission time corresponding to the second table is different from the  
13 maximum transmission time corresponding to the first table.

1                   44.     (previously pending) The transmitter of claim 43, wherein:  
2                   the first table corresponds to an IEEE 802.11 communication system operating collocated with  
3 an operating Bluetooth system; and  
4                   the second table corresponds to the IEEE 802.11 communication system operating near one or  
5 more operating microwave ovens.